**U.S. Department of the Interior**
**Bureau of Land Management**
**Little Snake Field Office**
**455 Emerson Street**
**Craig, CO 81625-1129**

# ENVIRONMENTAL ASSESSMENT

**EA-NUMBER:** DOI-BLM-CO-N010-2009-0039-EA

**CASEFILE/PROJECT NUMBER/LEASE NUMBER:** COC 073643

**PROJECT NAME:** Moffat County Clay Pit #21

**LEGAL DESCRIPTION:** T9N R96W N½ Sec. 10 (18.5 acres)

**APPLICANT:** Moffat County Board of County Commissioners/ Moffat County Road Department

**PLAN CONFORMANCE REVIEW:** The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision (ROD) approved on April 26, 1989; and the Colorado Oil and Gas Leasing & Development Environmental Impact Statement (EIS) and the ROD signed on November 5, 1991.

Remarks: The proposed mineral material disposal would be located within Management Unit 16 (Little Snake Resource Management Plan). The objectives of Management Unit 16 are to protect and restore this riparian ecosystem. Other resource uses/ values within this unit are allowed consistent with the management objectives for this unit. Special stipulations, such as seasonal restrictions will be added to permits, licenses, leases, or project plans, if necessary, to prevent or mitigate impacts resulting from any resource development or use on public lands. Public lands are open to leasing of federal minerals and mineral material sales consistent with the management objectives for this unit.

The proposed action was reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

**NEED FOR PROPOSED ACTION:** The proposed action is needed to provide clay for blending with road base material. The clay improves the quality of the road base by increasing the durability of the road so that maintenance and dust are reduced. The road base will be used to re-surface county roads in Moffat County.

**PUBLIC SCOPING PROCESS:** A copy of the proposed mine plan is on file in the Little Snake Field Office and may be viewed during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. The project is listed on the NEPA log on the Little Snake Field Office website.

**DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:** The proposed Free Use Permit for clay materials is located on an 18.5 acre site adjacent to Moffat County Road 21. The County excavated 25 exploration holes on this site in 2008 (COC 072067, CO-100-2008-004-EA). The County plans to produce 39,000 cubic yards of clay over a 20 year period. The permit would be for 10 years; no more than 5,000 cubic yards may be removed in a 12 month period. The mining excavation disturbance would be 6 acres, more or less. Topsoil would be stockpiled on the western side of the permit boundary. The overburden and the stockpiled material would be on the southern end of the permit boundary. The mine entrance would be gated and a cattle guard will be installed. The clay from this pit would be blended with the road base material from Little Snake Pit No. 26, located approximately 1 mile to the west of this proposed clay pit. The addition of clay improves the road base material by reducing the washboard effect and the dust associated with this effect.

**NO ACTION ALTERNATIVE:** There would be no clay pit excavation and no new surface disturbance.

## AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

## CRITICAL RESOURCES

### AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the proposed action.

Environmental Consequences, Proposed Action: Short term, local impacts to air quality resulting from diesel engine exhaust and dust from surface disturbing operations would result from opening and operating the clay pit. The emissions from these activities consist of both gaseous and particulate fractions. Gaseous constituents from diesel engine exhaust include carbon dioxide, carbon monoxide, nitric oxide, nitric dioxide, oxides of sulfur and hydrocarbons. Fine particulates of soot from diesel exhaust and fugitive dust from operations would be localized to the project area. The health effects of these emissions are largely from long-term and occupational exposure in confined areas. The proposed action would not adversely affect the regional air quality.

Environmental Consequences, No Action: There would be no project-related impacts to air quality.

Mitigative Measures: None

Name of specialist and date: Jennifer Maiolo 03/26/2009

## AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison 03/02/09

## CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see ***An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado***, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, ***An Isolated Empire, A History of Northwestern Colorado***, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and ***Colorado Prehistory: A Context for the Northern Colorado River Basin,*** Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project, Moffat County Clay Pit #21 Free Use Permit, has undergone a Class III cultural resource survey:

| | |
|---|---|
| **Survey ID:** | MF.LM.R338 |
| **Title:** | PROPOSED GRAVEL MINE AND ACCESS ROAD IN MOFFAT COUNTY (97-008) (ORIGINAL AND ADDENDUM) |
| **Author:** | 0BERNARD, MARY C. |
| **Date:** | 11/04/1997 |
| **Contractor:** | INTERMOUNTAIN ARCHAEOLOGY SERVICES FOR BLM, LSRA |

The survey identified no eligible to the National Register of Historic Places cultural resources within the proposed permit area. There is one eligible to the National Register of Historic places site on the access road to the proposed area. The proposed project may proceed as described with the following mitigative measures in place.

Mitigative Measures: To protect 5MF4424 the one eligible to the National Register of Historic Places cultural resource restrictions on the upgrade of the road will apply to this permit. On County Road 26, there will be no bulldozer blading below the six inches of pit-

run course and two inches of road base, a total of eight inches. If any road surface repair is needed in these areas it will be limited to placing more road base in these areas.

The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Robyn Watkins Morris 03/09/09

**ENVIRONMENTAL JUSTICE**

Affected Environment: The proposed action is located in an area of isolated dwellings. Ranching, farming and oil and gas exploration and development are the primary economic activities.

Environmental Consequences, all alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Mike Andrews 03/02/09

**FLOOD PLAINS**

Affected Environment: The exploration operations will be conducted on an upland site and will not affect the floodplains of the Little Snake River.

Environmental Consequences, all alternatives: No Impacts

Mitigative Measures: None

Name of specialist and date: Marilyn D. Wegweiser 03/25/09

**INVASIVE, NONNATIVE SPECIES**

Affected Environment: Invasive species and noxious weeds occur within the affected area. Downy brome (cheatgrass), yellow alyssum, blue mustard and other annual weeds are common along roadsides and on other disturbed areas. Halogeton, also an annual weed is increasing in the area, but it is not as common. Hoary cress (whitetop), perennial pepperweed (tall whitetop), Canada thistle, salt cedar and Russian-olive are found along the river corridor; these noxious weeds are on the Colorado B List of Noxious Weeds. Halogeton and cheatgrass are on the Colorado C List of Noxious Weeds. Other species of noxious weeds are not known to be a problem in this area, but they can always be introduced by vehicle traffic, livestock and wildlife. The BLM, Moffat County, livestock operators, pipeline companies and oil and gas operators have formed the Northwest Colorado Weed Partnership to collaborate their efforts on controlling weeds and finding the best integrated approaches to achieve these results.

Environmental Consequences:

Proposed Action: The surface disturbing activities involved with sand and gravel excavation would create a favorable environment for invasive species and noxious weeds to become established. Construction equipment and any other vehicles and equipment brought onto the site can introduce weed species. Wind, recreation vehicles, livestock and wildlife would be the primary vectors for weed dispersal. The annual invasive weed species (yellow alyssum, blue mustard and other annual weeds) occur on adjacent rangelands and would occupy the disturbed areas; the bare soils and the lack of competition from a perennial plant community would allow these weed species to grow unchecked. Seeding the topsoil pile followed by successful establishment of perennial grass species would help reduce the amount of annual weeds and seed produced. When the pit is active the activity and traffic around the pit would also reduce weed growth. Halogeton would also occupy the area disturbed, but halogeton would require intensive control with

herbicides to prevent it from moving into adjacent rangelands. Since vegetation and weed growth would be limited, any establishment of biennial and perennial noxious weeds that occurs should be easily detected.

Once the pit has been exhausted of suitable materials reclamation activities would commence. Soil and climate characteristics would favor early growing plants like Sandberg bluegrass and the annual invasive weed species, including cheatgrass. Growth of invasive annuals can reduce the success of seeding efforts. Under optimal conditions the establishment of adapted perennial grasses, other seeded plant materials and native colonizers is expected to provide the necessary control of invasive annual weeds within 2 or 3 years. Depressed areas remaining after final recontouring would increase site conditions that would be more favorable for the establishment of biennial and perennial noxious weeds. Additional seeding treatments of the disturbed areas and readjustment of the seed mixture may be required in subsequent years if initial seeding efforts have failed. Moffat County will be required to control any noxious weeds that become established within the disturbed areas. All principles of Integrated Pest Management should be employed to control noxious weeds on public lands.

No Action Alternative: No project-related impacts to non-native species would occur.

Mitigative Measures: None

Name of specialist and date: Jennifer Maiolo 03/25/09

**MIGRATORY BIRDS**

Affected Environment: Burrowing owls and ferruginous hawks have nested near the proposed project area in the past. Both species likely used the area because of historic white-tailed prairie dog colonies that used to populate the area near the pit. White-tailed prairie dog colonies were killed off by plague outbreaks during the early and mid 1990's. It is unlikely that either burrowing owls or ferruginous hawks would nest in the area now that the prairie dog towns no longer exist. Brewer's sparrow and sage sparrow may also nest in sagebrush habitats in and around the proposed pit.

Environmental Consequences:

Proposed Action: The Proposed Action would not have an impact on burrowing owls or ferruginous hawks. Chance of take is very low for both species. Brewer's sparrow and sage sparrow could nest within the proposed pit area. If initial construction occurs during the nesting season (May 15 – Aug 15), there is potential for take of both species to occur. If the initial construction occurs outside of the nesting season, it is unlikely that take would occur. Ongoing construction activities associated with the production of the pit would displace sage sparrows and Brewer's sparrow away from the project area but no nests would be initiated in the pit area.

No Action Alternative: The No Action Alternative would not have any impact on any of these species. There is no chance of take occurring.

Mitigative Measures: No surface disturbing activities between May 15 and August 15 in order to protect nesting Brewer's sparrow and sage sparrow during the initial development of the pit.

Name of specialist and date: Timothy Novotny 03/12/09

**NATIVE AMERICAN RELIGIOUS CONCERNS**

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 5, 2008. The letter listed the FY08 and FY09 projects that the BLM would notify them on and projects that would not require notification. A follow-up phone call was performed on June 16, 2008. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris 03/09/09

**PRIME & UNIQUE FARMLANDS**

Affected Environment: Not Present

Environmental Consequences, both alternatives: None

Mitigative Measures: None

Name of specialist and date: Jennifer Maiolo 03/26/09

**T&E AND SENSITIVE ANIMALS**

Affected Environment: There are no threatened or endangered species or habitats for such species present within the proposed project area. The project does provide nesting habitat for greater sage-grouse, a BLM special status species. There are historic records of ferruginous hawk nesting activity in the area surrounding the proposed pit. Ferruginous hawks have not nested in this area since the mid 1990s when the prairie dog colonies throughout this area died out from the plague.

Environmental Consequences:

Proposed Action: There would be no impacts to threatened or endangered species or their habitats. The proposed clay pit is located right off of County Road 21. The proposed pit would result in the long term loss of 18 acres of poor quality nesting habitat for greater sage-grouse. Most nesting sage-grouse would avoid this area due to activity associated with

this county road. There is sufficient higher quality nesting habitat located away from the proposed pit and towards the lek site. This undisturbed habitat is capable of supporting sage-grouse nesting habitat needs.

No Action Alternative: The No Action Alternative would not have a negative impact on any threatened, endangered or special status species or their habitats.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 03/11/09

**T&E AND SENSITIVE PLANTS**

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the proposed pit.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 03/02/09

**WASTES, HAZARDOUS OR SOLID**

Affected Environment: If a release should occur, the environment affected would be dependent on the nature and volume of material released. If there are no releases, there will be no impact on the environment.

Environmental Consequences:

Proposed Action: Consequences would be dependent on the volume and nature of the material released. In most every situation involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences would occur, but they can be remedied, and long-term impacts would be minimal.

No Action Alternative: None

Mitigative Measures: None

Name of specialist and date: Jennifer Maiolo 03/09/2009

**WATER QUALITY – GROUND**

Affected Environment: The near surface sedimentary rocks consist of Eocene age Cathedral Bluffs Tongue of the Wasatch Formation. The Cathedral Bluffs Tongue (CBT) is a brilliant

colored--red or red-purple formation, with light green bands—and is a "clay and sand" unit. The CBT otherwise is described as containing red or varicolored conglomeratic sandstone, shale, and clay. This unit is not especially known for being an aquifer of the Wasatch Formation. The Oligocene Brown's Park Formation, also occurring in the area, is unconformably overlain by the Bishop Mountain Conglomerate of Cenozoic age. It can be seen on the west side of Little Snake River above its confluence with the Yampa River. The Brown's Park Formation consists of varicolored fine-textured sandstone, conglomerate, limestone, and extensive beds of chalcedony. The sandstone is nearly white, loosely cemented, and generally calcareous interbedded with light-gray to white, vitric and ashy to earthy, friable to firm, rhyolitic tuff. Some of the sandstone is of aeolian origin and cross-stratified. The source of the sediments composing the sandstone is not determined. The Brown's Park Formation also includes bedded chert, minor amounts of limestone and marlstone, some of which is oolitic, siltstone, and lacustrine clay, and locally derived conglomerate at several levels. The regional source of the tuffs is unknown. It is about 1,800 ft. thick. Deposition began soon after the Bishop Conglomerate, perhaps with no hiatus. Chalky tuff at the base has been dated at 25 million years, or Oligocene. Volcanic tuffs occurring higher in the formation are 8-12 million years old, or Miocene. The varied lithology in the Brown's Park is due to deposition concurrent with nearby tectonic activity. Sedimentary structures indicate that the direction of drainage reversed after Bishop Time from south to north in Browns Park time.

Environmental Consequences, all alternatives: None. The Brown's Park Formation contains numerous sandstone units that could potentially contain potable groundwater. The proposed action would not impact those strata.

Mitigative Measures: None

Name of specialist and date: Marilyn D. Wegweiser, 03/23/09

**WATER QUALITY – SURFACE**

Affected Environment: The near surface sedimentary rocks consist of Eocene age Cathedral Bluffs Tongue of the Wasatch Formation. The Cathedral Bluffs Tongue (CBT) is a brilliant colored--red or red-purple formation, with light green bands—and is a "clay and sand" unit. The CBT otherwise is described as containing red or varicolored conglomeratic sandstone, shale, and clay. This unit is not especially known for being an aquifer of the Wasatch Formation. The Oligocene Brown's Park Formation, also occurring in the area, is unconformably overlain by the Bishop Mountain Conglomerate of Cenozoic age. It can be seen on west side of Snake River above its confluence with the Yampa River. The Brown's Park Formation consists of varicolored fine-textured sandstone, conglomerate, limestone, and extensive beds of chalcedony. The sandstone is nearly white, loosely cemented, and generally calcareous interbedded with light-gray to white, vitric and ashy to earthy, friable to firm, rhyolitic tuff. Some of the sandstone is of aeolian origin and cross-stratified. The source of the sediments composing the sandstone is not determined. The Brown's Park Formation also includes bedded chert, minor amounts of limestone and marlstone, some of

which is oolitic, siltstone, and lacustrine clay, and locally derived conglomerate at several levels. The regional source of the tuffs is unknown. It is about 1,800 ft thick. Deposition began soon after the Bishop Conglomerate, perhaps with no hiatus. Chalky tuff at the base has been dated at 25 million years, or Oligocene. Volcanic tuffs occurring higher in the formation are 8-12 million years old, or Miocene. The varied lithology in the Brown's Park is due to deposition concurrent with nearby tectonic activity. Sedimentary structures indicate that the direction of drainage reversed after Bishop Time from south to north in Browns Park time.

Environmental Consequences:

Proposed Action: None anticipated. The proposed action could increase surface run-off being delivered to recovering riparian systems, should unprecedented heavy rains occur prior to reclamation of the area.

No Action Alternative: There would be no impact to the surface water if the clay pit is not constructed.

Mitigative Measures: Operator committed measures should be adequate to protect surface waters. None anticipated.

Name of specialist and date: Marilyn D. Wegweiser, 03/23/09

**WETLANDS/RIPARIAN ZONES**

Affected Environment: There are no wetlands or riparian zones in the proposed project area.

Environmental Consequences, both alternatives: None

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 03/11/09

**WILD & SCENIC RIVERS**

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison 03/02/09

**WSAs, WILDERNESS CHARACTERISTICS**

Affected Environment: Not Present

Environmental Consequences: Not Applicable

Mitigative Measures: Not Applicable

Name of specialist and date: Gina Robison 03/02/09

## NON-CRITICAL ELEMENTS

### FLUID MINERALS

Affected Environment: The near surface sedimentary rocks consist of Eocene age Cathedral Bluffs Tongue (CBT) of the Wasatch Formation and the Oligocene Brown's Park Formation. The Cathedral Bluffs Tongue is a brilliant colored--red or red-purple formation, with light green bands—and is a "clay and sand" unit. The CBT otherwise is described as containing red or varicolored conglomeratic sandstone, shale, and clay. This unit is known to be petroliferous, however in this instance, being this near to the surface its usefulness as a hydrocarbon bearing unit is nullified. The Brown's Park Formation is not known for producing hydrocarbons.

Environmental Consequences, both alternatives: None

Mitigative Measures: None

Name of specialist and date: Marilyn D. Wegweiser 03/08/09.

### SOILS

Affected Environment: Operations would occur mostly on soils mapped as the Ruedloff sandy loam, 1 to 8 percent slopes although a small area in the northwest portion of the affected area is mapped as Ryark-Maybell complex, 1 to 12 percent slopes. Ryark soils have a loamy sand surface layer and sandy loam-loamy sand subsoils. Maybell soils are primarily sands. All of the soil types that are mapped have deep soil profiles which exceed 60-inches, but the sandy nature of the profile can only provide a water holding capacity that is considered low (4.2 inches). All of the soils have a moderately rapid to rapid permeability rates and low to very low runoff rates. The parent materials for these soils are typically aeolian deposits and alluvium derived from sandstone and the annual precipitation that is typically received for the development of these soil types is 9 to 11 inches.

Environmental Consequences:

Proposed Action: Salvage of topsoil would help to retain the soil properties of the surface layer which has good infiltration. Excavation and mixing the remainder of the soil profile

with mixed alluvium deposits and possibly bedrock deposits from the Browns Park Formation would provide for uncertain sub-soils and associated properties. Some compaction of the surface layer along travel routes and in the working area would also occur, but could be minimized under dry soil conditions and fair weather operations. The disturbed areas would be vulnerable to wind erosion until physical crusts, biological crusts or annual invasive weeds can initially stabilize the soils after excavation activities have commenced. The proposed seed mixture may not be adapted to these soil conditions and climate.

No Action Alternative: There would not be any environmental consequences.

Mitigative Measures: None

Name of specialist and date: Marilyn D. Wegweiser, 03/23/09

**UPLAND VEGETATION**

Affected Environment: The permit area is located in sagebrush/grass and saltbush plant communities.

Environmental Consequences:

Proposed Action: Excavation operations would completely remove native vegetation and any expansion over the next ten years would result in further removals within the permit area. This removal would be minor within the larger plant community and would not adversely affect the ability of the adjacent plant communities to continue to provide values such as soil and watershed protection, livestock forage, and wildlife habitat. Continual working of the pit resulting in the continual churning and compaction of soils on the site would keep invasive weeds to a minimum during the permitted period of the pit. Replacement of topsoil and reseeding the site upon abandonment would ensure that the long-term impacts to the plant community are minimal.

No Action Alternative: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 02/28/09:

**WILDLIFE, TERRESTRIAL**

Affected Environment: The proposed project area provides year round habitat for mule deer, elk and pronghorn antelope including severe winter habitat for pronghorn antelope. A variety of small mammals, reptiles and song birds may be found within the project area as well.

Environmental Consequences:

Proposed Action: The proposed clay pit along Moffat County Road 21 may displace pronghorn out of the project area. However; it is likely that excavation of material from the pit would occur outside of the winter months reducing potential to displace pronghorn antelope from the project area. The proposed pit would result in the long term loss of approximately 18 acres of habitat. Most small mammals, song birds and reptiles would be displaced from the project area. There is slight potential that some small animals especially burrowing mammals could be killed during the initial construction phase of this project. Once the ground has been disturbed, it is unlikely to be used by wildlife for the life of the pit. Disturbances associated with the proposed pit are unlikely to harm any wildlife populations.

No Action Alternative: There would be no impacts to wildlife species as a result of the No Action Alternative.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 03/11/09

**OTHER NON-CRITICAL ELEMENTS:**

| Non-Critical Element | NA or Not Present | Applicable or Present, No Impact | Applicable & Present and Brought Forward for Analysis |
|---|---|---|---|
| Forest Management | JAM 3/25/09 | | |
| Hydrology/Ground | | MDW, 03/06/09 | |
| Hydrology/Surface | | MDW 03/23/09 | |
| Paleontology | | | MDW, 03/06/09 |
| Range Management | | JHS 3/2/09 | |
| Realty Authorizations | | MAA 3/2/09 | |
| Recreation/Transportation | | GMR 03/02/09 | |
| Socio-Economics | | MAA 3/2/09 | |
| Solid Minerals | | JAM 2/26/09 | |
| Visual Resources | | GMR 03/02/09 | |
| Wild Horse & Burro Mgmt | JAM 3/25/09 | | |
| Wildlife, Aquatic | TN 3/11/09 | | |

**CUMULATIVE IMPACTS SUMMARY:**

**STANDARDS:**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:**

The proposed project area provides quality habitat for a variety of wildlife species including mule deer, pronghorn antelope and elk. The proposed pit site is located within pronghorn antelope severe winter range. A variety of small mammals, songbirds and reptiles may also be found in the project area. Initial construction associated with the pit would displace most wildlife species from the project area. Some mortality may occur especially to burrowing animals. Once initial construction is complete, chance of mortality associated with the pit is greatly reduced. This standard is currently being met and would continue to be met in the future.

Name of specialist and date: Timothy Novotny 3/12/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:**

There are no threatened or endangered species or habitats for such species within the proposed project area. The proposed pit site does contain nesting habitat for greater sage-grouse, a BLM special status species. Initial construction activities could displace nesting sage-grouse and destroy nest sites. The potential for this to occur is fairly low due to the pits proximity to Moffat County Road 21. Burrowing owls and ferruginous hawks historically nested in the area surrounding the proposed pit. Both species relied on white-tailed prairie dogs colonies that used to exist in the project area. White-tailed prairie dogs died off during the early to mid 1990s from a plague outbreak. There is little chance any of these species would be impacted by the development of this pit. This standard is currently being met and would continue to be met in the future.

Name of specialist and date: Timothy Novotny 3/12/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species present within or in the vicinity of the proposed pit. This standard does not apply.

Name of specialist and date: Hunter Seim 3/2/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The proposed action would indirectly meet this standard as it would have minimal impact on the surrounding plant community during the permit term. Continuing to work the pit would, in itself, minimize the site's potential as a weed vector and other concentrated impacts on the site would have no direct effect on native species indicators within the surrounding plant community. The No Action Alternative would meet this standard as no disturbance would occur.

Name of specialist and date: Hunter Seim 3/2/09

**RIPARIAN SYSTEMS STANDARD:**

There are no wetlands or riparian zones present within the proposed project area this standard does not apply.

Name of specialist and date: Timothy Novotny 3/11/09

**WATER QUALITY STANDARD:**

The proposed action would meet the water quality standard. Although the Little Snake River is presently listed as an impaired stream segment with elevated iron levels intermittently reported, it is not likely that the limited amount of runoff water from the project area would substantially contribute to this impairment. The sources of iron that are causing the water quality impairment have not been identified, but it is not likely that elevated iron concentrations would be attributed to this project.

Name of specialist and date: Jennifer Maiolo 3/26/2009

**UPLAND SOILS STANDARD:**

The proposed action would not meet the standard for upland soils, but it is not expected to, while it is in the operational phase. Once reclamation activities commence excessive sheet and rill erosion may occur during the early succession phase of site revegetation. Reduced forage productivity due to a change in the capability of the reclaimed soil to support pre-existing plant communities is also likely in the long term. However, in the long term it is expected that a desirable plant community would be supported and the reclaimed site would meet the upland soil standard.

Name of specialist and date: Jennifer Maiolo 3/26/09

**PERSONS/AGENCIES CONSULTED:** Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**
**DOI-BLM-CO-N010-2009-0039-EA**

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and would not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests, or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.

2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas, or designated Areas of Critical Environmental Concern.

4. There are no highly controversial effects on the environment.

5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State, or local natural resource related plans, policies, or programs.

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

**DECISION AND RATIONALE:**

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

**MITIGATION MEASURES:**

1. No surface disturbing activities between May 15 and August 15 in order to protect nesting Brewer's sparrow and sage sparrow during the initial development of the pit.

2. To protect 5MF4424 the one eligible to the National Register of Historic Places cultural resource restrictions on the upgrade of the road will apply to this permit. On County Road 26, there will be no bulldozer blading below the six inches of pit-run course and two inches of road base, a total of eight inches. If any road surface repair is needed in these areas it will be limited to placing more road base in these areas.

The following standard stipulations apply for this project:

3. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further,

pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

4. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

5. Seeded species should be those that are adapted to well drained, sandy soils. The recommended seed mix is:

| | |
|---|---|
| Needle-and-thread | 5 lb. PLS/acre |
| Indian ricegrass | 5 lb. PLS/acre |
| Scarlet globemallow | 1 lb. PLS/acre |
| Blue flax | 1 lb. PLS/acre |

6. All waste material will be contained on site in a trash cage or other portable storage device and hauled to a county approved landfill. No hazardous materials/hazardous wastes or trash shall be disposed of on lands under this license. If a release does occur, it shall be reported to this office immediately.

**COMPLIANCE PLAN(S):**
The project will be inspected at minimal biannually for compliance with all conditions of the contract's stipulations and production will be verified monthly.

**SIGNATURE OF PREPARER:**

**DATE SIGNED:**

**SIGNATURE OF ENVIRONMENTAL REVIEWER:**

**DATE SIGNED:**

**SIGNATURE OF AUTHORIZED OFFICIAL:**

**DATE SIGNED**: